

REMARKS/ARGUMENTS

Claims 1, 2 and 4-22 are presented for Examiner Bogart's consideration. Claim 3 has been withdrawn. The Examiner has indicated that claims 10-22 are allowable.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed January 28, 2004, Examiner Bogart rejected claims 1, 5 – 7 and 9 under 35 U.S.C. § 102 as allegedly being anticipated and thus unpatentable over U.S. Patent Number 5,986,165A to Moder. This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Claims 1, 4 and 8 have been amended. Independent claim 1 has been amended by adding the language of dependent claims 3 and 8. The Examiner has stated that claims 3 and 8 each contained allowable subject matter and each would be allowable if drafted in independent form. Claim 4 has been redrafted in independent form by incorporating the language of original claims 4 and 8 into original claim 1 with the difference being that the drug is transdermally administered. Lastly, claim 8 has been redrafted in independent form by incorporating the language of original claim 8 into original claim 1. The Examiner has stated that claims 3 and 8 each contained patentable subject matter and each would be allowable if drafted in independent form. No new matter has been introduced by way of these amendments and therefore they should be entered at this time.

Currently, amended independent claims 1 and 4 now differs over the cited prior art in that they recite that the anti-incontinent agent is a drug. Moder et al. (US 5,986,165) does not teach that the anti-incontinent agent can be a drug. In addition, claims 1 and 4 recites a pouch having a first end that overlaps a second end. This structural feature is also not taught by Moder et al. Accordingly, independent claims 1 and 4 are patentably distinct over Moder et al. and should be allowed at this time. Dependent claims 2, 5-7 and 9 now depend from allowable independent claim 1 and therefore are also allowable as well. Amended independent claim 8 differs over Moder et al. in that

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it recites a pouch having a first end that overlaps a second end. This structural feature is not taught by Moder et al. Accordingly, claim 8 is now in condition for allowance.

By way of the Office Action mailed January 28, 2004, Examiner Bogart rejected claims 2 and 4 under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Moder et al. (U.S. 5,986,165A) in view of McCullough (U.S. 5,939,426A). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Independent claim 1 has been amended as discussed above and is now patentable distinct over Moder et al. The structural features incorporated into claim 1 from claim 8 are not taught by either Moder et al. or McCullough. Accordingly, dependent claim 2 is patentably distinct over the combination of Moder et al. and McCullough and should be allowed at this time. Claim 4 has been redrafted into independent form and incorporates the structure discussed above. Since Moder et al does not teach such a structure and McCullough is limited to a descarboethoxyloratadine or a pharmaceutically acceptable salt thereof, claim 8 is patentably distinct over the combination of Moder et al. and McCullough and should be allowed at this time.

In Fig. 8 of the drawings, the number 24 has been replaced with number 10. Applicants have included Six (6) Replacement Sheets, incorporating Eleven (11) figures and have labeled said sheets "Replacement Sheets." As such, replacing the identified material with the actual text is not new matter.

In view of the above amendments and remarks, Applicants believe that claims 1, 2 and 4-22 are now in condition for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I, Lanette Burton, hereby certify that on March 19, 2004, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Lanette Burton
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Appendix